

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 172

Introduced by Senator Liu

February 5, 2015

An act to amend Section 60640 of, and *to* add Section 60851.5 to, the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, Liu. Pupil testing: high school exit examination: suspension.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would suspend the administration of the high school exit examination and would remove the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school for each pupil completing grade 12, for the 2016–17, 2017–18, and 2018–19 school ~~years~~: *years, or when the approved high school exit examination is no longer available.*

Existing law establishes the California Assessment of Student Performance and Progress as the statewide system of pupil assessments, under which various assessments are required or authorized to be administered in public schools, as specified. Existing law requires the Superintendent, on or before March 1, 2016, to submit to the state board

recommendations on expanding the California Assessment of Student Performance and Progress to include additional assessments, for consideration at a regularly scheduled public meeting, and to also submit those recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with specified requirements.

This bill would add a new requirement, that the Superintendent convene an advisory panel consisting of specified individuals to provide recommendations to the Superintendent on the continuation of the high school exit examination and on alternative pathways to satisfy specified high school graduation requirements, to those recommendations to be submitted by the Superintendent.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60640 of the Education Code is amended
2 to read:
3 60640. (a) There is hereby established the California
4 Assessment of Student Performance and Progress, to be known as
5 the CAASPP.
6 (b) Commencing with the 2013–14 school year, the CAASPP
7 shall be composed of all of the following:
8 (1) (A) A consortium summative assessment in English
9 language arts and mathematics for grades 3 to 8, inclusive, and
10 grade 11 that measures content standards adopted by the state
11 board.
12 (B) In the 2013–14 school year, the consortium summative
13 assessment in English language arts and mathematics shall be a
14 field test only, to enable the consortium to gauge the validity and
15 reliability of these assessments and to conduct all necessary
16 psychometric procedures and studies, including, but not necessarily
17 limited to, achievement standard setting, and to allow the
18 department to conduct studies regarding full implementation of
19 the assessment system. These field tests and results shall not be
20 used for any other purpose, including the calculation of any
21 accountability measure.
22 (2) (A) Science grade level assessments in grades 5, 8, and 10
23 that measure content standards adopted pursuant to Section 60605,

1 until a successor assessment is implemented pursuant to
2 subparagraph (B).

3 (B) For science assessments, the Superintendent shall make a
4 recommendation to the state board as soon as is feasible after the
5 adoption of science content standards pursuant to Section 60605.85
6 regarding the assessment of the newly adopted standards. Before
7 making recommendations, the Superintendent shall consult with
8 stakeholders, including, but not necessarily limited to, California
9 science teachers, individuals with expertise in assessing English
10 learners and pupils with disabilities, parents, and measurement
11 experts, regarding the grade level and type of assessment. The
12 recommendations shall include cost estimates and a plan for
13 implementation of at least one assessment in each of the following
14 grade spans:

15 (i) Grades 3 to 5, inclusive.

16 (ii) Grades 6 to 9, inclusive.

17 (iii) Grades 10 to 12, inclusive.

18 (3) The California Alternate Performance Assessment in grades
19 2 to 11, inclusive, in English language arts and mathematics and
20 science in grades 5, 8, and 10, which measures content standards
21 adopted pursuant to Section 60605 until a successor assessment
22 is implemented. The successor assessment shall be limited to the
23 grades and subject areas assessed pursuant to paragraph (1) and
24 subparagraph (B) of paragraph (2).

25 (4) The Early Assessment Program established by Chapter 6
26 (commencing with Section 99300) of Part 65 of Division 14 of
27 Title 3.

28 (5) (A) A local educational agency may administer a primary
29 language assessment aligned to the English language arts standards
30 adopted pursuant to Section 60605, as it read on January 1, 2013,
31 to pupils who are identified as limited English proficient and
32 enrolled in any of grades 2 to 11, inclusive, until a subsequent
33 primary language assessment aligned to the common core standards
34 in English language arts adopted pursuant to Section 60605.8 is
35 developed pursuant to subparagraph (E).

36 (B) If a local educational agency chooses to administer a primary
37 language assessment to pupils identified as limited English
38 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant
39 to subparagraph (A), it shall notify the department in a manner to
40 be determined by the department and the costs shall be paid by the

1 state and included as part of the testing contract, and the department
2 shall provide the local educational agency a per pupil
3 apportionment for administering the assessment pursuant to
4 subdivision (I).

5 (C) The Superintendent shall consult with stakeholders,
6 including assessment and English learner experts, to determine
7 the content and purpose of a stand-alone language arts summative
8 assessment in primary languages other than English that aligns
9 with the English language arts content standards. The
10 Superintendent shall consider the appropriate purpose for this
11 assessment, including, but not necessarily limited to, support for
12 the State Seal of Biliteracy and accountability. It is the intent of
13 the Legislature that an assessment developed pursuant to this
14 section be included in the state accountability system.

15 (D) The Superintendent shall report and make recommendations
16 to the state board at a regularly scheduled public meeting no sooner
17 than one year after the first full administration of the consortium
18 computer-adaptive assessments in English language arts and
19 mathematics summative assessments in grades 3 to 8, inclusive,
20 and grade 11, regarding an implementation timeline and estimated
21 costs of a stand-alone language arts summative assessment in
22 primary languages other than English.

23 (E) The Superintendent shall develop, and the state board shall
24 adopt, a primary language assessment. The Superintendent shall
25 administer this assessment no later than the 2016–17 school year.

26 (F) This paragraph shall be operative only to the extent that
27 funding is provided in the annual Budget Act or another statute
28 for the purpose of this section.

29 (c) No later than March 1, 2016, the Superintendent shall submit
30 to the state board recommendations on expanding the CAASPP
31 to include additional assessments, for consideration at a regularly
32 scheduled public meeting. The Superintendent shall also submit
33 these recommendations to the appropriate policy and fiscal
34 committees of the Legislature and to the Director of Finance in
35 accordance with all of the following:

36 (1) In consultation with stakeholders, including, but not
37 necessarily limited to, California teachers, individuals with
38 expertise in assessing English learners and pupils with disabilities,
39 parents, and measurement experts, the Superintendent shall make
40 recommendations regarding assessments, including the grade level,

1 content, and type of assessment. These recommendations shall
2 take into consideration the assessments already administered or
3 planned pursuant to subdivision (b). The Superintendent shall
4 consider the use of consortium-developed assessments, various
5 item types, computer-based testing, and a timeline for
6 implementation.

7 (2) The recommendations shall consider assessments in subjects,
8 including, but not necessarily limited to, history-social science,
9 technology, visual and performing arts, and other subjects as
10 appropriate, as well as English language arts, mathematics, and
11 science assessments to augment the assessments required under
12 subdivision (b), and the use of various assessment options,
13 including, but not necessarily limited to, computer-based tests,
14 locally scored performance tasks, and portfolios.

15 (3) The recommendations shall include the use of an assessment
16 calendar that would schedule the assessments identified pursuant
17 to paragraph (2) over several years, the use of matrix sampling, if
18 appropriate, and the use of population sampling.

19 (4) The recommendations shall include a timeline for test
20 development, and shall include cost estimates for subject areas, as
21 appropriate.

22 (5) Upon approval by the state board and the appropriation of
23 funding for this purpose, the Superintendent shall develop and
24 administer approved assessments. The state board shall approve
25 test blueprints, achievement level descriptors, testing periods,
26 performance standards, and a reporting plan for each approved
27 assessment.

28 (6) The Superintendent shall convene an advisory panel,
29 ~~including, consisting of~~, but not necessarily limited to, secondary
30 teachers, school administrators, school board members, parents,
31 *the student member of the state board*, measurement experts, and
32 individuals with expertise in assessing English learners and pupils
33 with disabilities, to provide recommendations to the Superintendent
34 on the continuation of the high school exit examination, described
35 in Chapter 9 (commencing with Section 60850), and on alternative
36 pathways to satisfy the high school graduation requirements
37 pursuant to Sections 51224.5 and 51225.3.

38 (d) For the 2013–14 and 2014–15 school years, the department
39 shall make available to local educational agencies Standardized
40 Testing and Reporting Program test forms no longer required by

1 the CAASPP. The cost of implementing this subdivision, including,
2 but not necessarily limited to, shipping, printing, scoring, and
3 reporting per pupil shall be the same for all local educational
4 agencies, and shall not exceed the marginal cost of the assessment,
5 including any cost the department incurs to implement this section.
6 A local educational agency that chooses to administer an
7 assessment pursuant to this subdivision shall do so at its own
8 expense, and shall enter into an agreement for that purpose with
9 a contractor, subject to the approval of the department.

10 (e) The Superintendent shall make available a paper and pencil
11 version of any computer-based CAASPP assessment for use by
12 pupils who are unable to access the computer-based version of the
13 assessment for a maximum of three years after a new operational
14 test is first administered.

15 (f) (1) From the funds available for that purpose, each local
16 educational agency shall administer assessments to each of its
17 pupils pursuant to subdivision (b). As allowable by federal statute,
18 recently arrived English learner pupils are exempted from taking
19 the assessment in English language arts. The state board shall
20 establish a testing period to provide that all schools administer
21 these tests to pupils at approximately the same time during the
22 instructional year. The testing period established by the state board
23 shall take into consideration the need of local educational agencies
24 to provide makeup days for pupils who were absent during testing,
25 as well as the need to schedule testing on electronic computing
26 devices.

27 (2) For the 2013–14 school year, each local educational agency
28 shall administer the field tests in a manner described by the
29 department in consultation with the president or executive director
30 of the state board. Additional participants in the field test beyond
31 the representative sample may be approved by the department, and
32 the department shall use existing contract savings to fund local
33 educational agency participation in one or more tests per
34 participant. Funds for this purpose shall be used to allow for
35 maximum participation in the field tests across the state. To the
36 extent savings in the current contract are not available to fully fund
37 this participation, the department shall prorate available funds by
38 test. Local educational agencies shall bear any additional costs to
39 administer these assessments that are in excess of the contracted
40 amount. With the approval of the state board and the Director of

1 Finance, the department shall amend the existing assessment
2 contract to accommodate field testing beyond the representative
3 sample, and to allow for special studies using information collected
4 from the field tests.

5 (g) From the funds available for that purpose, each local
6 educational agency shall administer assessments as determined by
7 the state board pursuant to paragraph (5) of subdivision (c).

8 (h) As feasible, the CAASPP field tests shall be conducted in
9 a manner that will minimize the testing burden on individual
10 schools. The CAASPP field tests shall not produce individual pupil
11 scores unless it is determined that these scores are valid and
12 reliable.

13 (i) The governing board of a school district may administer
14 achievement tests in grades other than those required by this section
15 as it deems appropriate.

16 (j) Subject to the approval of the state board, the department
17 may make available to local educational agencies a primary
18 language assessment aligned to the English language arts standards
19 adopted pursuant to Section 60605, as it read on January 1, 2013,
20 for assessing pupils who are enrolled in a dual language immersion
21 program that includes the primary language of the assessment and
22 who are either nonlimited English proficient or redesignated fluent
23 English proficient until a subsequent primary language assessment
24 aligned to the common core standards in English language arts
25 adopted pursuant to Section 60605.8 is developed pursuant to
26 paragraph (5) of subdivision (b). The cost for the assessment shall
27 be the same for all local educational agencies and shall not exceed
28 the marginal cost of the assessment, including any cost the
29 department incurs to implement this section. A local educational
30 agency that elects to administer a primary language assessment
31 pursuant to this subdivision shall do so at its own expense and
32 shall enter into an agreement for that purpose with the state testing
33 contractor, subject to the approval of the department.

34 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
35 States Code, individuals with exceptional needs, as defined in
36 Section 56026, shall be included in the testing requirement of
37 subdivision (b) with appropriate accommodations in administration,
38 where necessary, and the individuals with exceptional needs who
39 are unable to participate in the testing, even with accommodations,
40 shall be given an alternate assessment.

1 (l) (1) The Superintendent shall apportion funds appropriated
2 for these purposes to local educational agencies to enable them to
3 meet the requirements of subdivisions (b) and (c).

4 (A) For the CAASPP field tests administered in the 2013–14
5 school year or later school years, the Superintendent shall apportion
6 funds to local educational agencies if funds are specifically
7 provided for this purpose in the annual Budget Act.

8 (B) The Superintendent shall apportion funds to local
9 educational agencies to enable them to administer assessments
10 used to satisfy the voluntary Early Assessment Program in the
11 2013–14 school year pursuant to paragraph (4) of subdivision (b).

12 (2) The state board annually shall establish the amount of
13 funding to be apportioned to local educational agencies for each
14 test administered and annually shall establish the amount that each
15 contractor shall be paid for each test administered under the
16 contracts required pursuant to Section 60643. The amounts to be
17 paid to the contractors shall be determined by considering the cost
18 estimates submitted by each contractor each September and the
19 amount included in the annual Budget Act, and by making
20 allowance for the estimated costs to local educational agencies for
21 compliance with the requirements of subdivisions (b) and (c). The
22 state board shall take into account changes to local educational
23 agency test administration activities under the CAASPP, including,
24 but not limited to, the number and type of tests administered and
25 changes in computerized test registration and administration
26 procedures, when establishing the amount of funding to be
27 apportioned to local educational agencies for each test
28 administered.

29 (3) An adjustment to the amount of funding to be apportioned
30 per test shall not be valid without the approval of the Director of
31 Finance. A request for approval of an adjustment to the amount
32 of funding to be apportioned per test shall be submitted in writing
33 to the Director of Finance and the chairpersons of the fiscal
34 committees of both houses of the Legislature with accompanying
35 material justifying the proposed adjustment. The Director of
36 Finance is authorized to approve only those adjustments related
37 to activities required by statute. The Director of Finance shall
38 approve or disapprove the amount within 30 days of receipt of the
39 request and shall notify the chairpersons of the fiscal committees
40 of both houses of the Legislature of the decision.

1 (m) For purposes of making the computations required by
2 Section 8 of Article XVI of the California Constitution, the
3 appropriation for the apportionments made pursuant to paragraph
4 (1) of subdivision (I), and the payments made to the contractors
5 under the contracts required pursuant to Section 60643 or
6 subparagraph (C) of paragraph (1) of subdivision (a) of Section
7 60605 between the department and the contractor, are “General
8 Fund revenues appropriated for school districts,” as defined in
9 subdivision (c) of Section 41202, for the applicable fiscal year,
10 and included within the “total allocations to school districts and
11 community college districts from General Fund proceeds of taxes
12 appropriated pursuant to Article XIII B,” as defined in subdivision
13 (e) of Section 41202, for that fiscal year.

14 (n) As a condition to receiving an apportionment pursuant to
15 subdivision (I), a local educational agency shall report to the
16 Superintendent all of the following:

17 (1) The pupils enrolled in the local educational agency in the
18 grades in which assessments were administered pursuant to
19 subdivisions (b) and (c).

20 (2) The pupils to whom an achievement test was administered
21 pursuant to subdivisions (b) and (c) in the local educational agency.

22 (3) The pupils in paragraph (1) who were exempted from the
23 test pursuant to this section.

24 (o) The Superintendent and the state board are authorized and
25 encouraged to assist postsecondary educational institutions to use
26 the assessment results of the CAASPP, including, but not
27 necessarily limited to, the grade 11 consortium summative
28 assessments in English language arts and mathematics, for
29 academic credit, placement, or admissions processes.

30 (p) Subject to the availability of funds in the annual Budget Act
31 for this purpose, and exclusive of the consortium assessments, the
32 Superintendent, with the approval of the state board, annually shall
33 release to the public test items from the achievement tests pursuant
34 to Section 60642.5 administered in previous years. Where feasible
35 and practicable, the minimum number of test items released per
36 year shall be equal to 25 percent of the total number of test items
37 on the test administered in the previous year.

38 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
39 of Title 5 of the California Code of Regulations shall be revised
40 by the state board to conform to the changes made to this section

1 in the first year of the 2013–14 Regular Session. The state board
2 shall adopt initial regulations as emergency regulations to
3 immediately implement the CAASPP assessments, including, but
4 not necessarily limited to, the administration, scoring, and reporting
5 of the tests, as the adoption of emergency regulations is necessary
6 for the immediate preservation of the public peace, health, safety,
7 or general welfare within the meaning of Section 11346.1 of the
8 Government Code. The emergency regulations shall be followed
9 by the adoption of permanent regulations, in accordance with the
10 Administrative Procedure Act (Chapter 3.5 (commencing with
11 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
12 Code).

13 SEC. 2. Section 60851.5 is added to the Education Code, to
14 read:

15 60851.5. Notwithstanding Section 60851, the administration
16 of the high school exit examination, and the requirement that each
17 pupil completing grade 12 successfully pass the high school exit
18 examination as a condition of receiving a diploma of graduation
19 or a condition of graduation from high school, shall be suspended
20 for the 2016–17, 2017–18, and 2018–19 school-~~years~~: *years, or*
21 *when the high school exit examination approved pursuant to*
22 *Section 60850 is no longer available.*